

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 4, 2010 Signature: /David A. Gass #38,153/
(David A. Gass)

Docket No.: 28079/41333
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth Barton

Application No.: 07/827,906

Confirmation No.: 3375

Filed: January 30, 1992

Art Unit: 1638

For: Improved Expression of Genes in Plants

Examiner: Anne R. Kubelik

RESUBMISSION OF PETITION TO EXPUNGE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper pertains to a petition to expunge documents from the record of the above-identified application.

Amendments: None

Remarks begin on page 2 of this paper.

Appended hereto are copies of the petition and supporting documents as previously filed, and copies of the Office's previous decision dismissing the petition with invitation to resubmit.

No fee is believed to be due with this paper. However, the Office is authorized to charge any necessary and unpaid fees to Marshall Gerstein & Borun LLP Deposit Account Number 13-2855, under order number 28079/41333.

REMARKS**BACKGROUND**

Applicants previously filed a petition to expunge dated February 9, 2009 (entered into the record on February 10, 2009). (Exhibit A) The petition requested that certain documents that were filed under seal as part of information disclosure statement submissions be expunged if the documents were found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. (See petitions.) In Petition Decisions dated February 13, 2009 (Exhibit B), the Office dismissed the petition as premature, and invited Applicants to resubmit the petition subsequent to issuance of a Notice of Allowability. The petition decision specified that no further petition fee would be due at such time.

The application has been permitted to lapse for reasons unrelated to the material cited in the Information Disclosure Statement, and no continuing cases are pending.

REQUEST FOR RELIEF

Because the application has now lapsed, the petition to expunge is now believed to be timely, and Applicants request favorable reconsideration of the petition at this time. The Office is invited to contact the undersigned attorney by telephone if a telephonic discussion would facilitate consideration of the petitions.

Dated: June 4, 2010

Respectfully submitted,

By David A. Gass #38,153/
David A. Gass (Reg. No. 38,153)
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EXHIBIT A

Docket No.: 28079/41333
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Barton et al.

Confirmation No.: 3375

Application No.: 07/827,906

Group Art Unit: 1638

Filed: January 30, 1992

Examiner: A. R. Kubelik

For: IMPROVED EXPRESSION OF GENES IN
PLANTS

**PETITION TO EXPUNGE PAPERS FROM FILE
PURSUANT TO 37 CFR 1.59 (MPEP 724.05)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: TC1600

Dear Madam:

The applicants hereby identify the following Documents filed as part of the accompanying Information Disclosure Statement ("IDS", copy of transmittal letter and complete list of documents attached hereto) as the subject of this conditional petition to expunge pursuant to 37 C.F.R. §1.59.

| Litigation | Documents Subject to Protective Order |
|--|--|
| (1) <u>Mycogen Corp. v. Monsanto Co.</u> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004. | C4 - C13. |
| (2) <u>Monsanto Co. v. Mycogen Plant Science, Inc.</u> , 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996. | C18-C24; C32 -C33; C38-C40; C42-C44; C51-C55; C156-C170. |
| (3) <u>Mycogen Plant Science, Inc. v. Monsanto Co.</u> , 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995. | C173; C191- C194. |
| (4) <u>Mycogen Plant Science, Inc. v. Monsanto Co. et al.</u> , 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996. | C198-C202; C208-C211; C214-C225; C228-C232; C305. |

The Documents to be expunged, listed in the table above, are subject to one or more protective orders, as explained in the IDS, and have not otherwise been made public. The documents have been packaged and labeled in accordance with MPEP 724.02.

The Applicants commit to retain the Documents for the period of any patent issued on the above-mentioned application with regard to which the Documents are presently submitted.

The petition to expunge is being submitted by (on behalf of) the party in interest, Monsanto Company, St. Louis, MO, who originally caused the Documents to be submitted.

The Commissioner is therefore petitioned under 37 C.F.R. 1.59 to expunge the Documents IF THE DOCUMENTS ARE FOUND NOT TO BE IMPORTANT TO A REASONABLE EXAMINER IN DECIDING WHETHER TO ALLOW THE APPLICATION TO ISSUE AS A PATENT. The Applicants request that the evaluation of the importance of each document (and whether it may properly be expunged) be made individually. Applicants understand that this petition will be held in abeyance until the close of prosecution on the merits (MPEP 724.05 (I) and 724.06).

The fee for this petition in the amount of \$200.00 according to 37 C.F.R. 1.17(g) may be charged to our Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: February 9, 2009

Respectfully submitted,

By 
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Docket No.: 28079/41333
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth A. Barton et al.

Application No.: 07/827,906

Confirmation No.: 3375

Filed: January 30, 1992

Art Unit: 1638

For: IMPROVED EXPRESSION OF GENES IN
PLANTS

Examiner: A. R. Kubelik

INFORMATION DISCLOSURE STATEMENT WITH DOCUMENTS UNDER SEAL

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Information Disclosure Statement be entered and considered by the examiner during the prosecution of this application and that the references be made of record therein (except as noted in the next paragraph).

A copy of each listed document is filed herewith, although many of the enclosed documents are being submitted under seal with the labels appended hereto.
Some of the documents in this Information Disclosure Statement are subject to protective orders entered in prior litigations and are being submitted under seal for consideration by the Examiner under MPEP § 724, without scanning or publication by the USPTO. These documents are labeled in accordance with MPEP § 724.02 and are identified in the table below. Applicants also submit a petition and fee under 37 CFR § 1.59, requesting that these documents be expunged from the file.

| Litigation | Documents Subject to Protective Order |
|--|--|
| (1) <u>Mycogen Corp. v. Monsanto Co.</u> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004. | C4 - C13. |
| (2) <u>Monsanto Co. v. Mycogen Plant Science, Inc.</u> , 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996. | C18 - C24; C32 - C33; C38 - C40; C42 - C44; C51-C55; C156 - C170. |
| (3) <u>Mycogen Plant Science, Inc. v. Monsanto Co.</u> , 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995. | C173; C191- C194. |
| (4) <u>Mycogen Plant Science, Inc. v. Monsanto Co. et al.</u> , 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996. | C198-C202; C208-C211; C214-C225; C228-C232; C305 |

The documents in this Information Disclosure Statement originate from four separate litigations which may be viewed as related to the subject matter for which a patent is being sought on the above identified application. Such submission is made in accordance with MPEP §2001.06 (c) and 37 CFR §§1.56, 1.97, and 1.98, and should not be construed as a representation that a search has been made or as an admission that the information cited is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b). A general overview of these prior litigations is provided below for the Examiner's convenience. Should the Examiner have questions regarding these litigations, the undersigned attorney would be happy to attempt to provide answers.

(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004. Documents C1 to C14 are from this litigation. Mycogen filed suit against Monsanto pursuant to 35 U.S.C. § 146 for dissatisfaction with the Final Decision of the Board of Patent Appeals and Interferences for Patent Interference No. 103,781 ("the '781 Interference") (C1: Exhibit A). The patent and applications involved in the interference were (a) U.S.S.N. 08/434,105, filed May 3, 1995, a pending application of inventors David Fischhoff *et al.*; (b) U.S. Application No. 07/827,906 of inventors Barton *et al.*, filed Jan. 30, 1992 (the present application); and (c) U.S. Patent No. 5,380,831 ("the '831 patent") of inventors Adang *et al.*, filed May 3, 1993. The complaint is document C1, Monsanto's answer is C2, and Mycogen's reply is C3.

The interference was eventually defined by the following “Count 2”: (a) any one of claims 3, 5, 39, and 40 of Fischhoff et al.’s application 08/434,105, filed May 3, 1995, (b) any one of claims 1-4, 7, and 15-22 of Barton et al.’s application 07/827,906, filed January 30, 1992, and (c) any one of claims 1-12 of Adang et al.’s ‘831 patent (C1: Exhibit A at 194). As common owner of the Fischhoff and Barton applications, Monsanto elected Fischhoff as the first to invent the subject matter of Count 2 (C1: Exhibit A at 54). Thereafter, the Board granted priority to Fischhoff over Adang based upon findings that Fischhoff had a prior conception and reduction to practice and that Adang was not diligent in their reduction to practice (C1: Exhibit A at 2). The Board also held that Barton et al. were not entitled to a patent containing claims 1-12 of the ‘831 patent.

During the § 146 action, Mycogen asserted various dates of conception and reduction to practice for Barton and Adang regarding the inventive subject matter of Count 2 and the invention of modifying the coding sequence of a Bt gene to reduce the number of polyadenylation signals and ATTAA nucleotide sequences in the coding sequence (C4 at 9-14). Monsanto also asserted various dates of conception and reduction to practice for Barton and Fischhoff regarding the subject matter of Count 2 and the invention of modifying the coding sequence of a Bt gene to reduce the number of polyadenylation signals and ATTAA nucleotide sequences in the coding sequence (C5 at 6-11).

Monsanto also responded that it was dissatisfied with certain findings of the Board, including the Board’s finding that Fischhoff was not entitled to a conception date of October 30, 1986 (C5 at 3-6). Monsanto proffered expert reports by Mr. John Goolkasian and Dr. Joachim Messing to address these issues (C6, C7, C9). Mycogen proffered expert reports by Dr. Joseph Falkingham to address these issues (C8, C10). Monsanto also filed a motion for summary judgment that Fischhoff was the first to invent the subject matter of Count 2 (C11; Opposition at C12; Reply at C13). The Court also issued an opinion as to certain pending motions (C14). Monsanto and Mycogen discovery responses addressing these issues are provided as documents C4-C5.

Monsanto and Mycogen settled the § 146 action before final adjudication. This resulted in Mycogen withdrawing its allegations of prior invention by Barton and Adang, thus leaving intact the Board’s grant of prior invention to Fischhoff over Adang regarding Count 2.

Litigations (3) and (4), described below, also relate to Mycogen's U.S. Patent No. 5,380,831.

(2) Monsanto Co. v. Mycogen Plant Science, Inc., 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996. Documents C15 to C170 are from this litigation. This litigation related to U.S. Patent No. 5,500,365 ("the '365 patent") which issued from a divisional application of Fishchhoff et al., U.S.S.N. 08/434,105. In this litigation, Monsanto asserted that Mycogen Plant Science, Agrigenetics, and Ciba-Geigy had infringed the '365 patent by making, using, and/or selling corn products containing Event 176, a trait directed to conferring resistance to insects.

Prior art asserted by Ciba and Mycogen is included in their notices under 35 U.S.C. § 282 (C15-17). Interrogatory responses related to the parties invalidity contentions are documents C18-C24.

Expert reports were also submitted by the parties on the litigated issues, including those found at C156-C170. Expert reports proffered by Monsanto included reports by Nam-Hai Chua (C169-C170) and John Goolkasian (C166-C167). Expert reports by Mycogen included reports by Lawrence Bogorad (C161), Michael Adang (C156), and Joseph Falkingham (C163-C165). Expert reports by Novartis included reports Arthur Aronson (C157), Julia Bailey-Serres (C158, C168), and John Dewhirst (C162).

The defendants filed various summary judgment motions. Ciba-Geigy moved for summary judgment of invalidity based on prior inventorship under 35 U.S.C. § 102(g) ((C38); Monsanto Opposition (C39); Ciba Reply (C40)). Mycogen moved for summary judgment of invalidity based on obviousness under 35 U.S.C. § 103 ((C41-C42); Monsanto Opposition (C43); Mycogen Reply (C44)). Mycogen and Ciba-Geigy filed a motion to dismiss under Rule 12(b)(6) for failure to comply with the written description requirement of 35 U.S.C. § 112 ¶ 1 ((C45-47); Monsanto Opposition (C48); Reply (C49)). A court hearing was held, in part, on this motion (C37). The motion was denied (C50). Ciba-Geigy and Mycogen filed summary judgment motions asserting that the '365 patent was invalid for lack of written description under 35 U.S.C. § 112 ((C51, C52); Monsanto Opposition (C53); Ciba-Geigy and Mycogen Replies (C54 and C55)).

A jury trial was held on issues of infringement and invalidity. Trial transcripts that may be viewed as relevant to the subject matter for which a patent is sought on the above application may be found as documents C61-C155. Included in the transcripts are testimony

by inventors Fischhoff (C91, C129-132) and Perlak (C89, C95, C110-113). Testimony by alleged prior inventors Barton and Miller may be found as documents C82, C86, and C88. Expert testimony introduced by Monsanto included Nam-Hai Chua (C76-C81, C109, C135-6) and John Goolkasian (C71-75, C166-7). Expert testimony introduced by Mycogen included Lawrence Bogorad (C146-8); Michael Adang (C99-101); and Joseph Falkingham (C106-8). Expert testimony introduced by Novartis included Julia Bailey-Serres (C92-4) and John Dewhirst (C83-5).

The jury found that the asserted claims (claims 7, 8, 9, and 12) were literally infringed, but that the accused products were so far changed from the principle of the claimed invention that they did not infringe under the reverse doctrine of equivalents (C59 at 5). The jury also found that the asserted claims were invalid because of prior invention by scientists at Agracetus, Barton and Miller (C59 at 5). The Court later held a bench trial regarding whether the '365 patent was unenforceable due to alleged inequitable conduct by Monsanto (C59 at 5). Fischhoff also testified during the bench trial (C149-152).

All of the parties requested judgment as a matter of law (JMOL) after trial on various issues. Monsanto's JMOL briefing on non-infringement under the reverse doctrine of equivalents and invalidity by prior invention may be found as documents C25, C29, and C36, with opposition briefing as documents C32 and C33. Mycogen's and Novartis' JMOL briefing on invalidity due to lack of written description, indefiniteness, and obviousness may be found as documents C26-28, C30, and C34-35, with opposition briefing as document C31.

The Court issued an opinion on the JMOL's and inequitable conduct (C58, C59). The Court denied Monsanto's JMOL on invalidity for prior invention (C59 at 101-115). Specifically, the Court found that while Fischhoff reduced the asserted claims to practice before Barton and Miller (C59 at 106-111), the jury could have found that Barton and Miller conceived first and were diligent in reducing to practice (C59 at 111-115). The Court found in favor of Monsanto on the issue of infringement under the reverse doctrine of equivalents and entered judgment as a matter of law for Monsanto on the issue (C59 at 115-121). The Court denied Mycogen's and Novartis' JMOL's on invalidity due to lack of written description (C59 at 121-127), indefiniteness (C59 at 128-130), and obviousness (C59 at 130-132). The Court also found that Monsanto had not committed inequitable conduct during prosecution of the '365 patent (C59 at 136-148). The result of the Court's opinion was that

the defendants were found to have infringed the asserted claims of the '365 patent, but these claims were invalid based on prior invention by Barton and Miller.

Monsanto appealed to the Federal Circuit regarding prior invention by Barton and Miller (C60). The Federal Circuit upheld the district court's decision and affirmed in favor of the defendants on the issue (C60 at 12).

(3) Mycogen Plant Science, Inc. v. Monsanto Co., 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995. Documents C171 to C194 are from this litigation. In this litigation, Mycogen asserted that Monsanto had willfully infringed Adang's '831 patent by making, using, and/or selling products containing Monsanto's BollGard® cotton gene, Monsanto's YieldGard® corn gene, Monsanto's NewLeaf® potato gene, Northrup King *Bt* 11 event gene, or the Stoneville cotton gene. In response, Monsanto asserted, *inter alia*, that Monsanto scientists Fred Perlak and David Fischhoff invented the claimed invention of the '831 patent prior to Mycogen. (The '831 patent was also the subject of the '781 Interference described above.)

Monsanto proffered expert reports by Mr. John Goolkasian, Mr. Dallas Johnson, and Dr. Joachim Messing (C191, C192, C193). Mycogen proffered an expert report by Dr. Joseph Falkingham (C194). Interrogatory responses are provided as documents C171-173.

On December 28, 1995, Mycogen moved for summary judgment of validity of the '831 patent claims ((C174-175); Monsanto's Opposition (C176), Mycogen's Reply (C177)). In denying Mycogen's motion, the Court declined to "make a ruling that Monsanto has failed to establish the invalidity of Mycogen's patent" (C178 at 3).

Sometime later, on March 30, 1998, Monsanto moved for summary judgment of invalidity under 35 U.S.C. §§ 102(g) and 103 ((C179); Mycogen's Opposition (C180); Monsanto's Reply (C181)). Monsanto further moved for summary judgment that the '831 patent claims were invalid under 35 U.S.C. § 112 ((C182); Mycogen's Opposition (C183); Monsanto's Reply (C184)). Following oral arguments on the summary judgment motions, the Court stayed the proceedings until the post-trial motions in the related case in Delaware were complete (see section (4) below). On September 8, 1999, following rulings on these motions in Delaware, the Court lifted the stay and granted Monsanto's motion for summary judgment pursuant to 35 U.S.C. §§ 102(g) and 103 (C185). The Court denied Monsanto's motion for summary judgment under 35 U.S.C. § 112 as moot. *See* C185.

These decisions were appealed to the Federal Circuit. Upon reviewing the district court's prior invention determination, the Federal Circuit concluded that summary judgment was improper because fact issues remained to be resolved on the issue of prior inventorship. C186 (*Mycogen Plant Science, Inc. v. Monsanto Co.*, 252 F.3d 1306, 1314 (Fed. Cir. 2001)). The Federal Circuit declined to rule on Monsanto's motion for summary judgment of invalidity under 35 U.S.C. § 112, leaving it to the district court to resolve in the first instance. *Mycogen Plant Science*, 252 F.3d at 1317.

Following the Federal Circuit decision, Monsanto renewed its motion for summary judgment of invalidity under 35 U.S.C. § 112 (C187, Mycogen's Opposition at C188, Monsanto's Reply at C189). The Court denied Monsanto's motion on June 4, 2002 (C190). Subsequently, Mycogen dismissed all pending claims with prejudice.

(4) Mycogen Plant Science, Inc. v. Monsanto Co. et al., 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996. Documents C195 to C305 are from this litigation. This litigation related to patents issuing from continuing applications of Adang's '831 patent—specifically, U.S. Patent Nos. 5,567,600 ("the '600 patent") and 5,567,862 ("the '862 patent"). In this litigation, Mycogen asserted that Monsanto had willfully infringed the '600 and '862 patents by making, using, and/or selling products containing Monsanto's BollGard® cotton gene, Monsanto's YieldGard® corn gene, Monsanto's NewLeaf® potato gene, Northrup King *Bt* 11 event gene, or the Stoneville cotton gene. Monsanto asserted, *inter alia*, that Monsanto scientists Fred Perlak and David Fischhoff invented the claimed invention of the '600 and '862 patents prior to the Mycogen inventors. In response to that allegation, Mycogen further asserted that Monsanto had derived the subject matter claimed in the '600 and '862 patents from Mycogen.

Prior art asserted by Monsanto and Delta and Pine Land Company and by DeKalb Genetics are included in their notices under 35 U.S.C. § 282 (C195-196). Interrogatory responses are at C197-202. Monsanto also proffered expert reports on the litigated issues by Mr. Donald Banner, Mr. Dallas Johnson, and Dr. Joachim Messing (C228, C229, C230 respectively). Mycogen proffered expert reports by Mr. Lawrence Bogorad and Dr. Joseph Falkingham (C231, C232).

Prior to trial, Monsanto filed a summary judgment motion of invalidity under 35 U.S.C. § 102(g) asserting that Mycogen was not the first to invent the subject matter of the '862 and '600 patents ((C214, C216 (amended)); Mycogen's Opposition (C215); Monsanto's

Reply (C217)). Monsanto also filed a summary judgment motion of invalidity under 35 U.S.C. § 112 asserting that the '862 and '600 patents failed to satisfy the enablement requirement and would require undue experimentation in order to practice the claimed invention ((C218), Mycogen's Opposition (C219-220); Monsanto's Reply (C221)). Co-defendant DeKalb Genetics Corp. filed its summary judgment motion of invalidity under 35 U.S.C. § 112, asserting that the '862 and '600 patents failed to satisfy the enablement requirement ((C222); Mycogen's Opposition (C223-224); DeKalb's Reply (C225)). Letters addressed to the Court regarding the above summary judgment motions are included as documents C212-213. The district court judge did not grant any of these motions.

A jury trial was held on issues of infringement and invalidity. Trial transcripts that may be viewed as relevant to the subject matter for which a patent is sought on the above application may be found as documents C234 to C304. Included within the trial transcripts are testimony by both Elizabeth Murray (C237 to C241) and Michael Adang (C277 to C280) and Mycogen experts Mr. Lawrence Bogorad and Dr. Joseph Falkinham (C273 to C276). Also included within the trial transcripts are testimony by Monsanto scientists Fred Perlak (C242 to C244) and David Fischhoff (C256 to C258) as well as testimony by Monsanto expert Dr. Joachim Messing (C259, C260).

The jury found that the claimed invention of the '600 and '862 patents were invalid due to prior invention by Monsanto and entered a "N/A" as to the remaining invalidity issues (C226 at 10-12). The Delaware court entered a judgment declaring that the '600 and '862 patents were invalid based upon the jury's determination that Monsanto was the first to invent the technology underlying those patents. *See* C226. All parties moved for judgment as a matter of law (JMOL) on various issues following entry of the judgment. Mycogen moved for JMOL on the issues of prior inventorship and obviousness and moved for a new trial ((C203, C204); Monsanto's Opposition (C205); DeKalb's Opposition (C206); Mycogen's Reply (C207)). Monsanto moved for JMOL on invalidity based on prior invention and invalidity due to lack of enablement as well as indefiniteness ((C208, C209, C210); Mycogen's Opposition (C305); Monsanto's Reply (C211)).

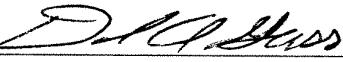
The Court issued an opinion on the JMOL motions (C227) which denied Mycogen's motion for JMOL and granted Monsanto's motion for JMOL holding that the claims of the '600 and '862 patents were invalid for lack of enablement.

On appeal, the Federal Circuit affirmed the jury's verdict of invalidity based upon prior invention pursuant to 35 U.S.C. § 102(g). See C233. It found that this rendered a ruling on the district court's grant of Monsanto's JMOL of lack of enablement pursuant to 35 U.S.C. § 112, unnecessary (C233).

This Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)). Accordingly, our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from our Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: February 9, 2009

Respectfully submitted,

By 
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Attorney for Applicant

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|--|----|----|--|--------------------------|------------------------|
| Substitute for form 1449/PTO | | | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Application Number | 07/827,906-Conf. #3375 |
| (Use as many sheets as necessary) | | | | Filing Date | January 30, 1992 |
| | | | | First Named Inventor | Kenneth A. Barton |
| | | | | Art Unit | 1638 |
| | | | | Examiner Name | A. R. Kubelik |
| | | | | Attorney Docket Number | 28079/41333 |
| 1 | of | 23 | | | |

| U.S. PATENT DOCUMENTS | | | | | |
|------------------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
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| NON PATENT LITERATURE DOCUMENTS | | | | | |
|--|-----------------------|---|--|--|--|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | |
| | C1 | Complaint for Patent Interference Dissatisfaction, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C2 | Monsanto's Answer, Affirmative Defenses and Counterclaims, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C3 | Mycogen's Reply to Monsanto's Counterclaims, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C4 | Mycogen's Response to Monsanto's First Set of Interrogatories (1-18), as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C5 | Monsanto's Response to Mycogen's First Set of Interrogatories (Nos. 1-14), as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C6 | Monsanto's Expert Report of John T. Goolkasian, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C7 | Monsanto's Expert Report of Joachim Messing, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C8 | Mycogen's Expert Report of Joseph O. Falkingham, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C9 | Monsanto's Rebuttal Expert Report of Dr. Joachim Messing, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C10 | Mycogen's Rebuttal Expert Report of Dr. Joseph Falkingham, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C11 | Monsanto's Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |
| | C12 | Mycogen's Opposition to Monsanto's Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis). | | | |

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| Examiner Signature | Date Considered |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Application Number | 07/827,906-Conf. #3375 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Filing Date | January 30, 1992 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | First Named Inventor | Kenneth A. Barton | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Art Unit | 1638 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Examiner Name | A. R. Kubelik | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2 | Of | 23 | Attorney Docket Number | 28079/41333 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | First Named Inventor | Kenneth A. Barton |
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| | C28 | Novartis' Opening Brief in Support of Its Renewed Motion for Judgment As A Matter of Law, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
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| | C30 | Mycogen and Agrigenetics' Brief in Support of Their Motion for Judgment as a Matter of Law or Alternatively, for a Partial New Trial on Limited Issues, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C31 | Monsanto's Opposition to Defendant's Motions for Judgment As A Matter of Law, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C32 | Novartis' Answering Brief in Opposition to Monsanto's Motion for Judgment As A Matter of Law or, In The Alternative, A New Trial, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
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| | C34 | Mycogen's Reply Brief in Support of Its Motion for Judgment as a Matter of Law or, Alternatively, A Partial New Trial on Limited Issues, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
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| | C36 | Monsanto's Reply Brief in Support of It's Motion for Judgment as a Matter of Law or, In The Alternative, A New Trial, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C37 | Hearing Transcript of 7/17/96 Hearing on Pending Motions, pages 1-3 and 44-61, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C38 | Ciba-Geigy's Motion and Notice for Summary Judgment of Invalidity Under 35 U.S.C. §102(g), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C39 | Monsanto's Opposition to Ciba's Motion for Summary Judgment of Invalidity for Prior Inventorship Under 35 U.S.C. § 102(g), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |

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| C40 | Ciba's Reply Brief in Support of Its Motion for Summary Judgment of Invalidity of the '365 Patent Under 35 U.S.C. § 102(g)a, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C41 | 4/2/98 Letter Shaw to Dalleo Transmitting Mycogen's Corrected Brief in Support of its Motion for Summary Judgment that the '365 Patent is Invalid Under U.S.C. § 103 (Obviousness) , as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C42 | Mycogen's Motion and Brief for Summary Judgment That the '365 Patent is Invalid Under 35 U.S.C. §103 (OBVIOUSNESS) , as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C43 | Monsanto's Answering Brief to Mycogen's Motion for Summary Judgment That the '365 Patent is Invalid Under 35 U.S.C. § 103 (Obviousness), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C44 | Mycogen's Reply Brief in Support of Its Motion for Summary Judgment that the '365 Patent is Invalid, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C45 | Defendants Mycogen Plant Science and Agrigenetics, Inc. Motion and Memorandum in Support Pursuant to Rule 12(b)(6) for Dismissal on the Basis of Monsanto's Failure to Comply with the Written Description Requirement of 35 USC § 112 ¶ 1, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C46 | Defendants Mycogen & Agrigenetics Brief in Support of its Motion Pursuant to rule 12(b)(6) for Dismissal on the Basis of Monsanto's Failure to Comply with the Written Description Requirement of 35 USC § 112, ¶ 1 (Corrected), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C47 | Errata Sheet for Defendants' Mycogen Plant Science and Agrigenetics Brief in Support of its Motion Pursuant to Rule 12(b)(6) for Dismissal on the Basis of Monsanto's Failure to Comply with the Written Description Requirement of 35 USC § 112, ¶ 1, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C48 | Plaintiff Monsanto's Brief in Opposition to Defendants Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Motion Pursuant to Rule 12(b)(6) Fed. R. Civ. P. for Dismissal Based on Compliance with 35 U.S.C. § 112 (Written Description Requirement), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C49 | Defendant Mycogen's Reply Brief in Support of Its Motion Pursuant to Rule 12(b)(6), Fed. R. Civ. P., for Dismissal on the Basis of Monsanto's Failure to Comply With the Written Description Requirement of 35 U.S.C. § 112 ¶ 1, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |

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| First Named Inventor | Kenneth A. Barton |
| Art Unit | 1638 |
| Examiner Name | A. R. Kubelik |
| Attorney Docket Number | 28079/41333 |

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| C50 | ORDER Denying Defendants' Motion for Dismissal on the Basis of Monsanto's Failure to Comply With the Written Description Requirement of 35 U.S.C. § 112, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C51 | Ciba-Geigy's Motion and Notice for Summary Judgment of Invalidity for Lack of Written Description under 35 U.S.C. §112, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C52 | Mycogen's Motion for Summary Judgment of Invalidity of the '365 Patent Under 35 U.S.C. § 112 (Inadequate Written Description) , as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C53 | Plaintiff Monsanto's Combined Brief in Opposition to Defendants Mycogen and Ciba's Motions for Summary Judgment of Invalidity for Lack of Adequate Written Description Under 35 U.S.C. § 112, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C54 | Mycogen's Reply Brief in Support of Its Motion for Summary Judgment of Invalidity of the '365 Patent for Lack of Written Description Under 35 U.S.C § 112, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C55 | Ciba's Reply Brief to Monsanto's Combined Brief in Opposition to Mycogen's and Ciba's Motions for Summary Judgment of Invalidity for Lack of Written Description Under 35 U.S.C. § 112, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C56 | Order For Entry of Judgment, Granting Plaintiff's Motion For Judgment as a Matter of Law in Part, Denying Plaintiff's Motion For Judgment as a Matter of Law in Part, and Denying Other Pending Motions, AS FILED IN MONSANTO CO. V. MYCOGEN PLANT SCIENCE, INC., AGRIGENETICS, INC., AND CIBA-GEIGY CORP., 96-133-RRM, UNITED STATES COURT DISTRICT OF DELAWARE. |
| C57 | Judgment In Favor Of Defendants, AS FILED IN MONSANTO CO. V. MYCOGEN PLANT SCIENCE, INC., AGRIGENETICS, INC., AND CIBA-GEIGY CORP., 96-133-RRM, UNITED STATES COURT DISTRICT OF DELAWARE. |
| C58 | Opinion of Judge McKelvie on pending trial issues and post trial motions, including inequitable conduct, 61 F. Supp. 2d 133 (D.Del. 1999) in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C59 | Revised Opinion On Post Trial Motions And Motion On Inequitable Conduct, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C60 | Federal Circuit decision on appeal from <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware, 261 F.3d 1356 (Fed. Cir. 2001). |
| C61 | Trial Transcript, Opening Statement by Mr. Lynch (Monsanto), pages 63-84, dated June 15, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |

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| Attorney Docket Number | 28079/41333 |

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| C62 | Trial Transcript, Opening Statement by Mr. Drivas (Novartis), pages 122-136, dated June 15, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C63 | Trial Transcript, Opening Statement by Mr. Olson (Mycogen/Agrigenetics), pages 138-168, dated June 15, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C64 | Trial Transcript, Rebuttal Opening Statement by Mr. Lynch (Monsanto), pages 168-172, dated June 15, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C65 | Trial Transcript, Stephen Rogers, Direct examination by Mr. Lynch (Monsanto), pages 173-195, dated June 15, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C66 | Trial Transcript, Stephen Rogers, Continued Direct examination by Mr. Lynch (Monsanto), pages 217-234, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C67 | Trial Transcript, Stephen Rogers, Cross examination by Mr. Drivas (Novartis), pages 234-244, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C68 | Trial Transcript, Stephen Rogers, Cross examination by Mr. Olson (Mycogen/Agrigenetics), pages 244-253, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C69 | Trial Transcript, Stephen Rogers, Redirect examination by Mr. Lynch (Monsanto), pages 254-255, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C70 | Trial Transcript, Stephen Rogers, Transition statements, pages 255-257, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C71 | Trial Transcript, John Goolkasian, Direct examination by Ms. Knoll (Monsanto), pages 357-372, 375-399, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C72 | Trial Transcript, John Goolkasian, Cross examination by Mr. Drivas (Novartis), pages 399-400, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C73 | Trial Transcript, John Goolkasian, Cross examination by Mr. Dickerson (Mycogen/Agrigenetics), pages 401-422, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C74 | Trial Transcript, John Goolkasian, Redirect examination by Ms. Knoll (Monsanto), pages 422-423, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |

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| C75 | Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C76 | Trial Transcript, Dr. Nam-Hai Chua, Direct examination by Mr. Lynch (Monsanto), pages 427-436, 440-472, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C77 | Trial Transcript, Dr. Nam-Hai Chua, Cross examination by Mr. Drivas (Novartis), pages 472-486, dated June 16, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C78 | Trial Transcript, Dr. Nam-Hai Chua, Continued Cross examination by Mr. Drivas (Novartis), pages 503-538, dated June 17, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C79 | Trial Transcript, Dr. Nam-Hai Chua, Cross examination by Mr. Olson (Mycogen/Agrigenetics), pages 538-570, dated June 17, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C80 | Trial Transcript, Dr. Nam-Hai Chua, Redirect examination by Mr. Lynch (Monsanto), pages 570-581, 594-605, dated June 17, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C81 | Trial Transcript, Dr. Nam-Hai Chua Transition Statements, pages 605-606, dated June 17, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C82 | Trial Transcript, Deposition Testimony of Kenneth Barton, pages 1047-1064, dated June 18, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C83 | Trial Transcript, John Dewhirst, Direct examination by Mr. Drivas (Novartis), pages 1066-1080, dated June 18, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C84 | Trial Transcript, John Dewhirst, Cross examination by Ms. Knoll (Monsanto), pages 1080-1088, dated June 18, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C85 | Trial Transcript, John Dewhirst, Redirect examination by Mr. Drivas (Novartis), pages 1088-1091, dated June 18, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C86 | Trial Transcript, Deposition Testimony of Michael Miller, pages 1102-1110, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C87 | Trial Transcript, Deposition Testimony of Sandra Cannon, pages 1110-1123, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |

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| Attorney Docket Number | 28079/41333 |

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| C88 | Trial Transcript, Transition Statements regarding Michael Miller and Sandra Cannon, pages 1125, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C89 | Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C90 | Trial Transcript, Deposition Testimony of Edgar Lawson, pages 1137-1139, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C91 | Trial Transcript, Deposition Testimony of David Fishhoff and transition statement, pages 1140-1155, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C92 | Trial Transcript, Dr. Julia Bailey-Serres, Direct examination by Mr. Drivas (Novartis), pages 1161-1219, 1223-1238, 1250-1260, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C93 | Trial Transcript, Dr. Julia Bailey-Serres, Cross examination by Mr. Mr. Lynch (Monsanto), pages 1260-1286, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C94 | Trial Transcript, Dr. Julia Bailey-Serres, Redirect examination by Mr. Drivas (Novartis), pages 1289-1292, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C95 | Trial Transcript, Deposition Testimony of Fred Perlak, pages 1337-1342, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C96 | Trial Transcript, Guy Cardineau, Direct examination by Mr. Guise (Mycogen/Agrigenetics), pages 1392-1405, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C97 | Trial Transcript, Guy Cardineau, Cross examination by Mr. Lynch (Monsanto), pages 1405-1413, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C98 | Trial Transcript, Guy Cardineau, Redirect examination and transition statement by Mr. Guise (Mycogen/Agrigenetics), pages 1413-1418, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C99 | Trial Transcript, Michel Adang, Direct examination by Mr. Mahaney (Mycogen/Agrigenetics), pages 1418-1453, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |

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| | C100 | Trial Transcript, Michel Adang, Cross examination by Mr. Lynch (Monsanto), pages 1453-1487, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C101 | Trial Transcript, Michel Adang, Redirect examination by Mr. Mahaney (Mycogen/Agrigenetics), pages 1487-1492, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C102 | Trial Transcript, Gerald Bjorge, Direct examination by Mr. Olson (Mycogen/Agrigenetics), pages 1497-1514, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C103 | Trial Transcript, Gerald Bjorge, Cross examination by Ms. Knoll (Monsanto), pages 1514-1531, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C104 | Trial Transcript, Gerald Bjorge, Redirect examination and transition statement by Mr. Olson (Mycogen/Agrigenetics), pages 1532-1536, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C105 | Trial Transcript, Deposition Testimony of Lawrence Lavin, pages 1537-1538, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C106 | Trial Transcript, Joseph Falkinham, Direct examination by Mr. Olson (Mycogen/Agrigenetics), pages 1539-1604, dated June 24, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C107 | Trial Transcript, Joseph Falkinham, Cross examination by Mr. Lynch (Monsanto), pages 1655, 1666-1696, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C108 | Trial Transcript, Joseph Falkinham, Redirect examination and transition statement by Mr. Olson (Mycogen/Agrigenetics), pages 1696-1707, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C109 | Trial Transcript, Deposition Testimony of Dr. Nam-Hai Chua and transition statements, pages 1707-1708, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C110 | Trial Transcript, Fred Perlak, Rebuttal Direct examination by Mr. Lynch (Monsanto), pages 1712-1773, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C111 | Trial Transcript, Fred Perlak, Cross examination by Mr. Drivas (Novartis), pages 1773-1821, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |

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| | C112 | Trial Transcript, Fred Perlak, Cross examination by Mr. Olson (Mycogen/Agrigenetics), pages 1821-1841, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C113 | Trial Transcript, Fred Perlak, Redirect examination by Mr. Lynch (Monsanto), pages 1842-1843, and transition statement by Mr. Olson (Mycogen/Agrigenetics), pages 1843-1844 dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C114 | Trial Transcript, Roy Fuchs, Direct examination by Mr. Lynch (Monsanto), pages 1845-1855, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C115 | Trial Transcript, Roy Fuchs, Cross examination by Mr. Drivas (Novartis), page 1855, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C116 | Trial Transcript, Roy Fuchs, Cross examination by Mr. Dickerson (Mycogen/Agrigenetics), pages 1855-1860, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C117 | Trial Transcript, Harry Klee, Direct examination by Mr. Lee (Monsanto), pages 1867-1874, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C118 | Trial Transcript, Harry Klee, Cross examination by Mr. Drivas (Novartis), pages 1874-1875, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C119 | Trial Transcript, Harry Klee, Cross examination by Mr. Mahaney (Mycogen/Agrigenetics), pages 1875-1878, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C120 | Trial Transcript, Linda Hanley Bowdoin, Direct examination by Mr. Lee (Monsanto), pages 1880-1885, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C121 | Trial Transcript, Linda Hanley Bowdoin, Cross examination by Mr. Drivas (Novartis), pages 1885-1887, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C122 | Trial Transcript, Tom Rogers, Direct examination by Ms. Knoll (Monsanto), pages 1887-1894, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C123 | Trial Transcript, Tom Rogers, Cross examination by Mr. Drivas (Novartis), pages 1894-1897, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C124 | Trial Transcript, Toni Armstrong, Direct examination by Mr. Lee (Monsanto), pages 1897-1902, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |

Examiner
SignatureDate
Considered

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use as many sheets as necessary)*

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|------------------------|------------------------|--|--|--------------------------|
| Application Number | 07/827,906-Conf. #3375 | | | |
| Filing Date | January 30, 1992 | | | |
| First Named Inventor | Kenneth A. Barton | | | |
| Art Unit | 1638 | | | |
| Examiner Name | A. R. Kubelik | | | |
| Attorney Docket Number | 28079/41333 | | | |

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| C125 | Trial Transcript, Toni Armstrong, Cross examination by Mr. Oelke (Novartis), pages 1902-1903, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C126 | Trial Transcript, Toni Armstrong, Cross examination by Mr. Dickerson (Mycogen/Agrigenetics), page 1903, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C127 | Trial Transcript, Jeanne Layton, Direct examination by Mr. Lee (Monsanto), pages 1904-1912, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C128 | Trial Transcript, Jeanne Layton, Cross examination by Mr. Oelke (Novartis), page 1912, dated June 25, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C129 | Trial Transcript, David Fishhoff, Direct examination by Ms. Knoll (Monsanto), pages 1924-1963, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C130 | Trial Transcript, David Fishhoff, Cross examination by Mr. Drivas (Novartis), pages 1963-2018, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C131 | Trial Transcript, David Fishhoff, Cross examination by Mr. Olson (Mycogen/Agrigenetics), pages 2018-2044, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C132 | Trial Transcript, David Fishhoff, Redirect examination by Ms. Knoll (Monsanto), pages 2045-2046, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C133 | Trial Transcript, Transition statements examination by Mr. Lynch (Monsanto) and Mr. Drivas (Novartis), pages 2047-2051, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C134 | Trial Transcript, Deposition transcript of Walter Wright, pages 2051-2056, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C135 | Trial Transcript, Dr. Nam-Hai Chua, Direct examination by Mr. Lynch (Monsanto), pages 2057-2071, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| C136 | Trial Transcript, Dr. Nam-Hai Chua, Cross examination by Mr. Olson (Mycogen/Agrigenetics), pages 2087-2096, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |

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| Examiner Signature | | Date Considered | |
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(Use as many sheets as necessary)

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| Application Number | 07/827,906-Conf. #3375 |
| Filing Date | January 30, 1992 |
| First Named Inventor | Kenneth A. Barton |
| Art Unit | 1638 |
| Examiner Name | A. R. Kubelik |
| Attorney Docket Number | 28079/41333 |

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| C137 | Trial Transcript, Opening Statement by Mr. Drivas (Novartis) on inequitable conduct, pages 2209-2227, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C138 | Trial Transcript, Opening Statement by Mr. Tomasch (Mycogen/Agrigenetics) on inequitable conduct, pages 2228-2253, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C139 | Trial Transcript, Closing Argument by Mr. Lynch (Monsanto), pages 2277-2319, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C140 | Trial Transcript, Closing Argument by Mr. Drivas (Novartis), pages 2320-2369, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C141 | Trial Transcript, Closing Argument by Mr. Olson (Mycogen/Agrigenetics), pages 2371-2414, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C142 | Trial Transcript, Rebuttal Argument by Mr. Lynch (Monsanto), pages 2414-2421, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C143 | Trial Transcript, Rebuttal Argument by Mr. Drivas (Novartis), pages 2421-2422, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C144 | Trial Transcript, Rebuttal Argument by Mr. Olson (Mycogen/Agrigenetics), pages 2422-2424, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C145 | Trial Transcript, Opening Statement by Mr. Lynch (Monsanto) on inequitable conduct, pages 2432-2446, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C146 | Trial Transcript, Lawrence Bogorad, Direct examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2447-2493, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C147 | Trial Transcript, Lawrence Bogorad, Cross examination by Mr. Lynch (Monsanto), pages 2493-2505, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C148 | Trial Transcript, Lawrence Bogorad, Redirect examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2505-2509, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |
| C149 | Trial Transcript, David Fishhoff, Examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2509-2547, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. |

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| Application Number | | | | 07/827,906-Conf. #3375 |
| Filing Date | | | | January 30, 1992 |
| First Named Inventor | | | | Kenneth A. Barton |
| Art Unit | | | | 1638 |
| Examiner Name | | | | A. R. Kubelik |
| | 13 | Of | 23 | Attorney Docket Number |
| | | | | 28079/41333 |

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| | C150 | Trial Transcript, David Fishhoff, Continued examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2582-2614, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C151 | Trial Transcript, David Fishhoff, Examination by Mr. Drivas (Novartis), pages 2614-2645, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C152 | Trial Transcript, David Fishhoff, Examination by Ms. Knoll (Monsanto), pages 2646-2658, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C153 | Trial Transcript, Closing argument by Mr. Tomasch (Mycogen/Agrigenetics) on inequitable conduct, pages 2658-2686, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C154 | Trial Transcript, Closing argument by Mr. Drivas (Novartis) on inequitable conduct, pages 2691-2699, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C155 | Trial Transcript, Closing argument by Mr. Lynch (Monsanto), pages 2699-2708, dated July 8, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C156 | Expert report of Michael Adang, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C157 | Expert report of Arthur Aronson, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C158 | Expert report of Julia Bailey-Serres, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C159 | Expert report of Gerald Bjorge, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C160 | Expert report of Gerald Bjorge, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C161 | Expert report of Lawrence Bogorad, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C162 | Expert report of John Dewhirst, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |
| | C163 | Expert report of Joseph Falkingham, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | |

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| Examiner Signature | Date Considered |
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| Substitute for form 1449/PTO | | | | Complete if Known | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Application Number | 07/827,906-Conf. #3375 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Filing Date | January 30, 1992 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | First Named Inventor | Kenneth A. Barton | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Art Unit | 1638 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Examiner Name | A. R. Kubelik | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 Of 23 | | | | Attorney Docket Number | 28079/41333 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;">C164</td> <td>Expert report of Joseph Falkingham, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i>, 96-133-RRM, United States Court District of Delaware.</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C165</td> <td>Expert report of Joseph Falkingham, submitted 4/30/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i>, 96-133-RRM, United States Court District of Delaware.</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C166</td> <td>Expert report of John Goolkasian, submitted 3/25/98 in <i>Monsanto Co. v. 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Monsanto Company</i>, 95-CV-653, U.S. District Court, Southern District of California (San Diego).</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C173</td> <td>Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Responses to Monsanto's First Set of Interrogatories (Nos. 1-11), dated June 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i>, 95-CV-653, U.S. District Court, Southern District of California (San Diego).</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C174</td> <td>Mycogen's Notice of Motion and Motion for Summary Judgment of Validity and Memorandum of Points and Authorities in Support of Its Motion for Summary Judgment of Validity (includes Declaration of Laurenson in Support), dated December 28, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i>, 95-CV-653, U.S. District Court, Southern District of California (San Diego).</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C175</td> <td>Mycogen's Statement of Undisputed Facts in Support of Its Motion for Summary Judgment of Validity, dated December 28, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i>, 95-CV-653, U.S. District Court, Southern District of California (San Diego).</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C176</td> <td>Monsanto's Memorandum in Opposition to Mycogen's Motion for Summary Judgment of Validity and Exhibits in Support, filed July 24, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i>, 95-CV-653, U.S. District Court, Southern District of California (San Diego).</td> <td colspan="3"></td> </tr> <tr> <td></td> <td>C177</td> <td>Mycogen's Reply in Support of Its Motion for Summary Judgment of Validity, dated August 5, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i>, 95-CV-653, U.S. District Court, Southern District of California (San Diego).</td> <td colspan="3"></td> </tr> </table> | | | | | | | C164 | Expert report of Joseph Falkingham, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C165 | Expert report of Joseph Falkingham, submitted 4/30/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C166 | Expert report of John Goolkasian, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C167 | Expert report of John Goolkasian, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C168 | Expert report of Julia Bailey-Serres, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C169 | Expert report of Nam-Hai Chua, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C170 | Expert report of Nam-Hai Chua, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | C171 | Monsanto's Responses to Mycogen's First Set of Interrogatories, dated July 10, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | C172 | Monsanto's Responses to Plaintiffs' Fourth Set of Interrogatories, dated January 21, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | C173 | Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Responses to Monsanto's First Set of Interrogatories (Nos. 1-11), dated June 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | C174 | Mycogen's Notice of Motion and Motion for Summary Judgment of Validity and Memorandum of Points and Authorities in Support of Its Motion for Summary Judgment of Validity (includes Declaration of Laurenson in Support), dated December 28, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | C175 | Mycogen's Statement of Undisputed Facts in Support of Its Motion for Summary Judgment of Validity, dated December 28, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | C176 | Monsanto's Memorandum in Opposition to Mycogen's Motion for Summary Judgment of Validity and Exhibits in Support, filed July 24, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | C177 | Mycogen's Reply in Support of Its Motion for Summary Judgment of Validity, dated August 5, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | |
| | C164 | Expert report of Joseph Falkingham, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C165 | Expert report of Joseph Falkingham, submitted 4/30/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | C168 | Expert report of Julia Bailey-Serres, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C169 | Expert report of Nam-Hai Chua, submitted 4/15/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C170 | Expert report of Nam-Hai Chua, submitted 3/25/98 in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C171 | Monsanto's Responses to Mycogen's First Set of Interrogatories, dated July 10, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C172 | Monsanto's Responses to Plaintiffs' Fourth Set of Interrogatories, dated January 21, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C173 | Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Responses to Monsanto's First Set of Interrogatories (Nos. 1-11), dated June 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C174 | Mycogen's Notice of Motion and Motion for Summary Judgment of Validity and Memorandum of Points and Authorities in Support of Its Motion for Summary Judgment of Validity (includes Declaration of Laurenson in Support), dated December 28, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C175 | Mycogen's Statement of Undisputed Facts in Support of Its Motion for Summary Judgment of Validity, dated December 28, 1995, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C176 | Monsanto's Memorandum in Opposition to Mycogen's Motion for Summary Judgment of Validity and Exhibits in Support, filed July 24, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C177 | Mycogen's Reply in Support of Its Motion for Summary Judgment of Validity, dated August 5, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Examiner Signature | | Date Considered |
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INFORMATION DISCLOSURE
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| Application Number | | | | 07/827,906-Conf. #3375 |
| Filing Date | | | | January 30, 1992 |
| First Named Inventor | | | | Kenneth A. Barton |
| Art Unit | | | | 1638 |
| Examiner Name | | | | A. R. Kubelik |
| 15 | Of | 23 | Attorney Docket Number 28079/41333 | |

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| C178 | Order Denying Motion for Summary Judgment of Validity; Denying Motion for Summary Judgment Re Interpretation of 35 U.S.C. § 271(g); Granting Motion for Summary Judgment on Claim Construction, filed August 15, 1996, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C179 | Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 Pursuant to Fed. R. Civ. P. 56, dated March 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C180 | Mycogen's and Agrigenetics's Opposition to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 (includes Declaration of F.T. Alexandra Mahaney and Appendix, dated April 13, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego)). |
| C181 | Reply Brief of Monsanto in Support of Its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C182 | Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of Melinda Patterson), dated March 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C183 | Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F.T. Alexandra Mahaney and Appendix, dated April 13, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego)). |
| C184 | Reply Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated April 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C185 | Order Lifting Stay; Order Granting Monsanto's Motion for Summary Judgment Under 35 U.S.C. §§ 102(g) and 103; Order Denying Monsanto's Motion for Summary Judgment Under 35 U.S.C. § 112 as Moot, filed November 10, 1999, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C186 | <i>Mycogen Plant, et al. v. Monsanto Company</i> , 252 F.3d 1306 (Fed. Cir. 2001) – <i>Inter alia</i> , reversing summary judgment of invalidity under 35 U.S.C. § 102(g). |
| C187 | Supplemental Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, filed November 19, 2001, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C188 | Mycogen's Opposition to Monsanto's Motion on Remand for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 3, 2001, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |
| C189 | Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 10, 2001, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). |

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| | | | | Application Number 07/827,906-Conf. #3375 |
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| | | | | First Named Inventor Kenneth A. Barton |
| | | | | Art Unit 1638 |
| | | | | Examiner Name A. R. Kubelik |
| | | | | Attorney Docket Number 28079/41333 |

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| | C190 | Order Denying Monsanto's Motion for Summary Judgment, dated June 4, 2002, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | |
| | C191 | Rule 26 Expert Report of John T. Goolkasian, dated November 13, 2003, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | |
| | C192 | Rule 26 Expert Report of Dallas E. Johnson, dated November 13, 2003, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | |
| | C193 | Expert Report of Dr. Joachim Messing, dated November 13, 2003, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | |
| | C194 | Rebuttal Expert Report of Joseph Falkingham III, dated December 18, 2003, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). | |
| | C195 | Notice of DeKalb Pursuant to 35 U.S.C. § 282, dated December 12, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C196 | Notice Under 35 U.S.C. § 282 by Monsanto and Delta and Pine Land Company, dated December 20, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C197 | Mycogen's Supplemental Responses to Interrogatory Nos. 7 and 9 of DeKalb's Second Set of Interrogatories, dated December 9, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C198 | Mycogen's Response to Monsanto's First Set of Interrogatories, dated June 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C199 | Mycogen's Supplemental Response to Monsanto's First Set of Interrogatories, dated December 23, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C200 | Monsanto's Responses to Mycogen's and Agrigenetics' First Set of Interrogatories, dated April 23, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C201 | Monsanto's and Delta and Pine Land's Supplemental Responses to Interrogatories, dated November 21, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C202 | Delta and Pine Land's Responses to Mycogen's and Agrigenetics' First Set of Interrogatories, dated April 28, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C203 | Mycogen's and Agrigenetics' Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50, dated February 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C204 | Mycogen's and Agrigenetics' Post-Trial Brief in Support of Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50 (includes Appendix, dated March 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington)). | |

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| | | | | Examiner Name A. R. Kubelik |
| | | | | Attorney Docket Number 28079/41333 |

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| C205 | Monsanto's and Delta and Pine Land's Opposition to Mycogen's Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50 (includes Appendix in Support; see Appendix OP 448.2, 448.3 and 448.4), dated April 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C206 | Memorandum of DeKalb Genetics in Opposition to Plaintiff's Motion for Judgment as a Matter of Law, dated April 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C207 | Mycogen's Reply Brief in Support of Its Motion for Judgment as a Matter of Law Under Fed. R. Civ. P. 50, dated May 11, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C208 | Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law at the Close of Evidence, dated February 2, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C209 | Monsanto's and Delta and Pine Land's Renewed Motion for Judgment as a Matter of Law after the Verdict, dated February 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C210 | Memorandum in Support of Monsanto's and Delta and Pine Land's Renewed Motions for Judgment as a Matter of Law, dated March 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C211 | Defendants' Reply to Plaintiffs' Opposition to Monsanto's and Delta and Pine Land's Motion for Judgment as a Matter of Law, dated May 12, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C212 | Letter from Balick, Ashby & Geddes to Judge McKelvie re Issues Raised in DeKalb's Motion for Partial Summary Judgment, dated October 13, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C213 | Letter from Ingersoll to Judge McKelvie re Mycogen's Replying on Banner Deposition for Summary Judgment Argument, dated January 6, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C214 | Monsanto's and Delta and Pine Land's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g), dated November 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C215 | Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g), dated December 22, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C216 | Amended Version of Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g), dated December 23, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C217 | Reply Brief of Monsanto and Delta and Pine Land in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g), dated January 7, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |

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SignatureDate
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| Art Unit | 1638 |
| Examiner Name | A. R. Kubelik |
| Attorney Docket Number | 28079/41333 |

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| C218 | Monsanto's and Delta and Pine Land's Brief in Support of Its Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated October 27, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C219 | Plaintiffs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity of Patent Nos. 5,567,600 and 5,567,862 Under 35 U.S.C. § 112, dated November 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C220 | Declaration of Dr. Guy Cardineau in Support of Plaintiffs' Answering Brief to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated November 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C221 | Monsanto's and Delta and Pine Land's Reply to Mycogen's Answer to Monsanto's Brief in Support of Their Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 112, dated December 8, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C222 | Opening Memorandum in Support of the Motion of DeKalb for Partial Summary Judgment of Invalidity (includes Appendix), dated October 13, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C223 | Plaintiffs' Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C224 | Declaration of Keith Walker in Support of Answering Brief to DeKalb's Motion for Partial Summary Judgment of Invalidity, dated November 18, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C225 | DeKalb's Reply Brief in Support of Its Motion for Partial Summary Judgment of Invalidity (includes Appendix), dated December 11, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C226 | Judgment, dated February 5, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C227 | Revised Opinion on Post-Trial Motions and Motion for Attorney Fees and on Inequitable Conduct, dated September 8, 1999, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C228 | Donald W. Banner Expert Report, dated November 3, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C229 | Dallas Johnson Expert Report, dated November 3, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C230 | Joachim Messing Expert Report, dated November 3, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |
| C231 | Lawrence Bogorad Expert Report, dated November 14, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). |

Examiner
SignatureDate
Considered

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Application Number | 07/827,906-Conf. #3375 |
| (Use as many sheets as necessary) | | | | Filing Date | January 30, 1992 |
| | | | | First Named Inventor | Kenneth A. Barton |
| | | | | Art Unit | 1638 |
| | | | | Examiner Name | A. R. Kubelik |
| | 19 | Of | 23 | Attorney Docket Number | 28079/41333 |

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| | C232 | Joseph O. Falkingham Rebuttal Report, dated November 24, 1997, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C233 | <i>Mycogen Plant Science, Inc. v. Monsanto Co.</i> , 243 F.3d 1316 (2001). | |
| | C234 | Trial Transcript, Opening Statement by Mr. Olson, pages 80-96, 101-118, dated January 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C235 | Trial Transcript, Opening Statement by Mr. Lynch, pages 118-152, dated January 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C236 | Trial Transcript, Opening Statement by Mr. Baumgartner, pages 154-193, dated January 20, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C237 | Trial Transcript, Elizabeth E. Murray, Direct Examination by Mr. Olson, pages 443-481, dated January 21, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C238 | Trial Transcript, Elizabeth E. Murray, Continued Direct Examination by Mr. Olson, pages 493-504, dated January 22, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C239 | Trial Transcript, Elizabeth E. Murray, Cross-Examination by Ms. Knoll, pages 504-559, dated January 22, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C240 | Trial Transcript, Elizabeth E. Murray, Cross-Examination by Mr. Baumgartner, pages 559-588, dated January 22, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C241 | Trial Transcript, Elizabeth E. Murray, Redirect by Mr. Olson, pages 589-617, dated January 22, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C242 | Trial Transcript, Frederick J. Perlak, Direct Examination by Mr. Lynch, pages 875-730, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C243 | Trial Transcript, Frederick J. Perlak, Cross-Examination by Mr. Olson, pages 930-968, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C244 | Trial Transcript, Frederick J. Perlak, Redirect by Mr. Lynch, pages 968-973, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C245 | Trial Transcript, Sylvia McPherson, Direct Examination by Mr. Lee, pages 979-984, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C246 | Trial Transcript, Sylvia McPherson, Cross-Examination by Mr. Olson, pages 984-987, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |

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| | | | | First Named Inventor | Kenneth A. Barton |
| | | | | Art Unit | 1638 |
| | | | | Examiner Name | A. R. Kubelik |
| | 20 | Of | 23 | Attorney Docket Number | 28079/41333 |

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| | C247 | Trial Transcript, Sylvia McPherson, Redirect by Mr. Lee, pages 987-988, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C248 | Trial Transcript, Harry J. Klee, Direct Examination by Ms. Knoll, pages 989-996, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C249 | Trial Transcript, Harry J. Klee, Cross-Examination by Mr. Olson, pages 996-997, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C250 | Trial Transcript, Roy Fuchs, Direct Examination by Mr. Lynch, pages 998-1012, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C251 | Trial Transcript, Roy Fuchs, Cross-Examination by Mr. Olson, pages 1012-1016, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C252 | Trial Transcript, Linda Hanley-Bowdoin, Direct Examination by Ms. Knoll, pages 1017-1023, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C253 | Trial Transcript, Linda Hanley-Bowdoin, Cross-Examination by Mr. Olson, page 1024, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C254 | Trial Transcript, Stephen C. Rogers, Direct Examination by Mr. Lynch, pages 1025-1042, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C255 | Trial Transcript, Stephen G. Rogers, Cross-Examination by Mr. Olson, pages 1042-1046, dated January 23, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C256 | Trial Transcript, David Fischhoff, Direct Examination by Mr. Sayler, pages 1079-1111, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C257 | Trial Transcript, David Fischhoff, Cross-Examination by Mr. Olson, pages 1111-1156, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C258 | Trial Transcript, David Fischhoff, Redirect by Mr. Sayler, pages 1156-1160, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C259 | Trial Transcript, Joachim Messing, Direct Examination by Mr. Lynch, pages 1166-1203, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C260 | Trial Transcript, Joachim Messing, Cross-Examination by Mr. Olson, pages 1203-1229, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C261 | Trial Transcript, Catherine Mackey, Direct Examination by Mr. Baumgartner, pages 1237-1272, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |

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| Application Number | | | | 07/827,906-Conf. #3375 |
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| | C262 | Trial Transcript, Catherine Mackey, Cross-Examination by Mr. Olson, pages 1273-1292, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C263 | Trial Transcript, Catherine Mackey, Redirect by Mr. Baumgartner, pages 1292-1294, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C264 | Trial Transcript, Michael A. Stephens, Direct by Mr. Baumgartner, pages 1302-1325, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C265 | Trial Transcript, Michael A. Stephens, Cross-Examination by Mr. Olson, pages 1325-1335, dated January 26, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C266 | Trial Transcript, Michael A. Stephens, Continued Cross-Examination by Mr. Olson, pages 1342-1344, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C267 | Trial Transcript, Daniel R. Gallie, Direct by Mr. Baumgartner, pages 1359-1402, 1410-1435, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C268 | Trial Transcript, Daniel R. Gallie, Cross-Examination by Mr. Guise, pages 1435-1448, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C269 | Trial Transcript, Daniel R. Gallie, Redirect by Mr. Baumgartner, pages 1448-1453, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C270 | Trial Transcript, Video Excerpts from Don Merlo Deposition, pages 1463-1478, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C271 | Trial Transcript, Deposition Testimony from Donald Merlo, pages 1483-1496, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C272 | Trial Transcript, Deposition Testimony from Thomas Rocheleau, pages 1497-1520, dated January 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C273 | Trial Transcript, Joseph O. Falkingham, Direct Examination by Mr. Guise, pages 1625-1654, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C274 | Trial Transcript, Joseph O. Falkingham, Cross-Examination by Mr. Lynch, pages 1654-1690, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C275 | Trial Transcript, Joseph O. Falkingham, Cross-Examination by Mr. Baumgartner, pages 1690-1691, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| | C276 | Trial Transcript, Joseph O. Falkingham, Redirect by Mr. Guise, pages 1691-1694, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |

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| Examiner Name | | | | A. R. Kubelik |
| 22 | Of | 23 | Attorney Docket Number | 28079/41333 |

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| C277 | Trial Transcript, Michael J. Adang, Direct Examination by Ms. Mahaney, pages 1701-1744, 1747-1750, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C278 | Trial Transcript, Michael J. Adang, Cross-Examination by Mr. Lynch, pages 1750-1778, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C279 | Trial Transcript, Michael J. Adang, Cross-Examination by Mr. Baumgartner, pages 1778-1813, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C280 | Trial Transcript, Michael J. Adang, Redirect by Ms. Mahaney, pages 1813-1820, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C281 | Trial Transcript, Deposition Testimony of John Ingle, pages 1833-1840, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C282 | Trial Transcript, Jean Romero-Severson, Direct Examination by Ms. Mahaney, pages 1841-1847, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C283 | Trial Transcript, Jean Romero-Severson, Cross-Examination by Ms. Knoll, pages 1847-1850, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C284 | Trial Transcript, Deposition Testimony of Carolyn Stock, pages 1851-1862, dated January 28, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C285 | Trial Transcript, Deposition Testimony of Carolyn Stock (Continued), pages 1933-1939, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C286 | Trial Transcript, Theodore Klein, Direct Examination by Mr. Katcoff, pages 1970-1993, 2003-2013, dated January 19, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C287 | Trial Transcript, Theodore Klein, Cross-Examination by Mr. Baumgartner, pages 2014-2054, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C288 | Trial Transcript, Theodore Klein, Redirect by Mr. Katcoff, pages 2054-2058, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C289 | Trial Transcript, Deposition Testimony of Charles Armstrong, pages 2063-2074, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C290 | Trial Transcript, Deposition Testimony of Ben Bowen, pages 2074-2094, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C291 | Trial Transcript, Deposition Testimony of William Gurley, pages 2132-2141, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |

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| | | | | Attorney Docket Number | 28079/41333 |
| | 23 | Of | 23 | | |

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| C292 | Trial Transcript, Deposition Testimony of Lorance Greenlee, pages 2192-2194, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C293 | Trial Transcript, Deposition Testimony of Larry Swaney, pages 2194-2196, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C294 | Trial Transcript, Deposition Testimony of Kevin McBride, pages 2254-2257, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C295 | Trial Transcript, Deposition Testimony of Duff Dean, pages 2257-2258, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C296 | Trial Transcript, Deposition Testimony of Sherry Brown, pages 2258-2261, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C297 | Trial Transcript, Deposition Testimony of Charles Romano, pages 2261-2264, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C298 | Trial Transcript, Deposition Testimony of Dave Corbin, pages 2264-2273, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C299 | Trial Transcript, Deposition Testimony of Duff Dean (Counterdesignation), pages 2275-2276, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C300 | Trial Transcript, Closing Argument by Mr. Olson, pages 2368-2371, 2396-2433, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C301 | Trial Transcript, Closing Argument by Mr. Lynch, pages 2434-2476, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C302 | Trial Transcript, Closing Argument by Mr. Baumgartner, pages 2479-2522, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C303 | Trial Transcript, Closing Argument by Mr. Olson (Continued), pages 2522-2528, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C304 | Trial Transcript, Closing Argument by Mr. Baumgartner (Continued), pages 2528-2530, dated January 30, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |
| C305 | Plaintiffs' Answering Brief in Opposition to Monsanto's and Delta and Pine Land's Motion for Judgment as a Matter of Law, dated April 27, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington). | |

¹EXAMINER. Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Applicant's unique citation designation number (optional). ³Applicant is to place a check mark here if English language Translation is attached.

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

EXHIBIT B



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------|----------------------|---------------------|------------------|
| 07/827,906 | 01/30/1992 | KENNETH A. BARTON | 28079/41333 | 3375 |
| 74002 | 7590 | 02-13-2009 | | |
| Marshall, Gerstein & Borun LLP (Monsanto) | | | EXAMINER | |
| 6300 Sears Tower | | | KUBELIK, ANNE R | |
| 233 South Wacker Drive | | | ART UNIT | PAPER NUMBER |
| Chicago, IL 60606 | | | 1638 | |
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| FEB 20 2009 | | | | |
| MARSHALL GERSTEIN | | | | |
| MAIL DATE | DELIVERY MODE | | | |
| 02/13/2009 | PAPER | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Marshall, Gerstein & Borun LLP (Monsanto)
6300 Sears Tower
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Chicago IL 60606

In re Application of :
Barton et al. : PETITION DECISION
Serial No.: 07/827,906
Filed: January 30, 1992
Attorney Docket No.: **28079/41333**

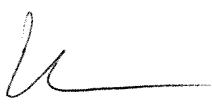
This is in response to the petition under 37 CFR § 1.59(b), filed February 10, 2009, to expunge information from the above identified application. This application has not been allowed

Petitioner requests that the Proprietary Information Disclosure Statement, February 10, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application is under non-final action. Also, the information provided has not been reviewed. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600